THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.25155 of 2005

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Dated: February 24, 2006

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Between:

J. Gangadhar, S/o. Gangaram,
aged about 30 years, Occ: working
as Sweeper in Sri Saraswathi Grameena
Bank, Main Branch, Dokwal Complex,
Adilabad, Adilabad District.

… Petitioner

And

Sri Saraswathi Grameena Bank, rep. by its
Chairman, Saraswathi Bhavan, Gandhi Park
Road, Adilabad, Adilabad District.

… Respondent

Order:

In this Writ Petition, petitioner is seeking direction, by way of Writ of Mandamus; to declare the action of the respondent in not absorbing him in the service of the respondent bank as a Messenger, as illegal and a further direction to the respondents is sought to make appointment of the petitioner in the regular vacancy and extend the scales as applicable to the post of Messenger.

2. The facts are in narrow compass. The respondent is a rural bank, having its branch at Adilabad. In the affidavit filed in support of the Writ Petition, it is stated that the petitioner was engaged as a
daily-wage Sweeper initially in the year 1993 on payment of Rs.200 per month, which was subsequently increased to Rs.400 per month. It is the case of the petitioner that though he continuously discharged the services of a Sweeper, his services are also being availed as Messenger, which post is a regular one in the respondent bank. He seeks direction for absorption on the ground that though he is discharging the functions of a Messenger, his services are being illegally continued as a part-time Sweeper, by paying a meagre salary.

3. The respondent filed counter affidavit wherein the continuous work of the petitioner has been disputed. It has been further pleaded that there is a ban on recruitment of staff in the Regional Rural Banks, by the Government, and as such directions are pending from the Government. It is further stated that the petitioner was appointed initially on daily-wage basis for cleaning the premises at intermittent intervals and he is not in the regular services of the bank.

4. Having regard to the said stand taken by the respondent, no direction can be given by way of Mandamus to absorb the petitioner in the service of the respondent bank, but, however, it is not in dispute that the petitioner is serving the respondent bank, if not continuously, but intermittently with a gap of some intervals right from 1993. There is no specific denial of discharge of his functions sometimes as a Messenger also.

5. In that view of the matter, I dispose of the Writ Petition directing the respondent to consider the case of the petitioner whenever appointments are made to the post of Messenger on preferential basis than the outside applicants. I further direct the respondent to continue the petitioner as and when his services are required, on the same terms and conditions that exist as on today, till his case is considered for

absorption.

6. Subject to the above directions, the writ petition is disposed of. No costs.

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JUSTICE R. SUBHASH REDDY.

February 24, 2006

MRR